

REMARKS

Claims 1 to 8 are in this application and are presented for reconsideration. By this amendment, Applicant has amended claim 1 and added new claim 8 to address issues raised in the Office Action. Applicant thanks the Examiner for the careful reading of the application and for providing suggestions. It is Applicant's position that all issues have now been addressed and that the application is in condition for allowance in consideration of the remarks below.

CLAIMS OBJECTIONS

The Office Action suggests that in claim 1, line 9, "so" be changed to --to--. The amendment of claim 1 has addressed this issue.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Draheim (U.S. Patent No. 6,175,974), ("Draheim '974", hereinafter).

Draheim '974 discloses a crib drop side assembly including a pin track with relatively long and relatively short vertical segments and a connecting segment connecting the relatively long and short segments wherein a pin axis slot extends into one of the segments and has an open end for permitting the entrance of a pin. The pin is coupled to one of the crib end boards and a moveable gate is provided for blocking the pin axis slot when in a first position and opening the pin axis slot when in a second position.

It is Applicant's position that Draheim '974 does not anticipate nor does the reference suggest the present invention as claimed. The Office Action suggests that the part elements 44, 46 and 100 of Draheim '974 reference as being equivalent of the flat spring. However, when reviewing the elements corresponding to number 44, 46 and 100, one can see that the elements do not partially extend in the terminal portion of the guide groove as the present invention as claimed teaches. In contrast, the flat spring, according to the present invention as claimed, has an active part extending at the connection between the first terminal portion and the undercut. Therefore, Draheim '974 reference does not teach nor does it suggest the present invention.

Furthermore, Applicant finds no incentive in Draheim '974 which would lead a person to all of the structural features of the crib uprights with guide groove, a crib side with pin and a flat spring having an active part extending into the recess of the guide groove. Absent any incentive or suggestion which would lead a person to all the structural features, the Draheim '974 reference clearly fails to teach and fails to suggest the features of the invention as presently claimed.

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Guillot (U.S. Patent No. 6,571,409, "Guillot '409", hereinafter).

Guillot '409 discloses a concealed hardware comprising a channel member embedded within the end stiles of the crib side and an engaged coupling element fastened to the adjacent crib end wherein the channel member restricts movement of the crib side to vertical translation, and includes a latching chamber at the bottom which selectively traps or releases the coupling

element when it is desired to secure the crib side in an elevated position.

Guillot '409 does not anticipate the current invention and there is no suggestion or motivation to use the teachings of the Guillot '409 reference to provide the invention as claimed. According to the Office Action, the undercut is shown by the Figures 4, 5, and 8 of the Guillot '409 reference. Then according to the Guillot '409 reference, the spring, as the pin is housed in the undercut, is then biased by the side weight. In contrast, according to the present invention as claimed, the pin in the first portion of the terminal portion, can freely slide under gravity to reach the undercut, and as the pin is housed in the undercut, the spring is not biased by the side weight.

In contrast, Guillot '409 shows the equivalent of the spring member being biased by the side weight because the spring members 53 and 54 are situated underneath the pin which in turn is held by the side weight. Therefore, Guillot '409 fails to teach and fails to suggest the combination of features taught by the present invention wherein the spring is at a more stable position at either of the positions.

Also, we note that it is not obvious to one of ordinary skill in the art to modify Draheim '974 or Guillot '409 in order to reach the present invention as claimed. Thus, the prior art references are clearly not relevant with regard to the solution as claimed in the present invention.

There must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide the combination as claimed. As the prior art as a whole fails to direct the person of ordinary skill in the art toward the claimed combination,

the invention should be considered not anticipated, non-obvious and thus patentable.

As the prior art references including the Draheim '974 and Guillot '409 fail to suggest the combination of features as claimed, Applicant respectfully requests that the Examiner favorably consider the claims as now presented.

At this time, Applicant respectfully requests reconsideration of this application in view of the above amendments and remarks, and Applicant respectfully solicits allowance of this application.

It is Applicant's position that all claims are now allowable. Should the Examiner determine that issues remain which have not been resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

Favorable action on the merits is requested.

Respectfully submitted
for Applicant,

By: _____


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Enclosed: Petition for Extension of Time
 Credit Card Payment Form PTO-2038
 Information Disclosure Statement

71089.10

DATED: December 10, 2004
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DATE: December 10, 2004